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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,389	09/24/2003	Felix Henry	01807.002403.	2466
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EXAMINER				
HUNG, YUBIN				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/668,389

**Applicant(s)**

HENRY ET AL.

**Examiner**

YUBIN HUNG

**Art Unit**

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 9-16 and 18-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-16 and 18-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment/Arguments***

1. This action is in response to the amendment filed on 5/19/2010, which has been entered.
2. Applicant is correct in pointing out the typographical error in the Henry patent. The correct patent number should have been US 6,822,587.
3. The terminal disclaimer filed 5/19/10 has been approved.
4. Applicant's amendments have rendered moot the previous 35 USC 103 rejections. However, upon further consideration, a new ground(s) of rejection is made in view of Ratnakar et al. (US 6,233,359), Nishikawa et al. (US 5,926,574).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Part A**

**Note: The analyses for part A below apply to the versions of claims 3-9 as dependent from claim 1; claims 12-19 as dependent from claim 10; and claims 20-28 with respect to claims 1 or 10 as appropriate.**

Claims 1, 6, 9-10, 15, 18, 20, 21, 23-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easwar (US 2004/0008897), and further in view of Ratnakar et al. (US 6,233,359), Nishikawa et al. (US 5,926,574) and Cloutier et al. (US 5,847,771).

6. Regarding claim 10, and similarly claim 1 (since the device of claim 10 performs the method of claim 1 and additionally Easwar discloses a processor in Fig. 3, ref. 320 that receives information from resources such as the RAM 330 or the wireless connection 360), Easwar discloses an apparatus for transcoding digital data comprising

- means of transcoding the digital data coded according to the first coding mode into the digital data coded according to the second coding mode  
[Fig. 3, refs. 320 & 325 (transcoder); Fig. 4B; P. 7, paragraph 63, lines 11-19; P. 8, paragraphs 73-75. Note that JPEG (1<sup>st</sup> coding mode) is transcoded into to Wavelet (2<sup>nd</sup> mode)]

Easwar does not expressly disclose the following, which are taught by Ratnakar and Nishikawa:

- wherein the second coding mode includes determining an amplitude model and a path defining an ordered series of locations amongst the digital data so that the amplitude of the  $k^{\text{th}}$  coefficient in said series is determined by the ordinate corresponding to the abscissa  $k$  according to said amplitude model

[Ratnakar: Abstract, lines 3-5 (determining an amplitude model and a path in the zig-zag scanning order); Fig. 3, especially ref. 310 (defining an amplitude model, note that each abscissa has a corresponding coefficient value of  $C(n)$ , some of which are zeros); Col. 7, line 48-Col. 8, line 35]

- coding the path

[Nishikawa: Fig. 1, refs. 5-9, especially 7 (paths); Col. 9, line 34-55. Fig. 2, especially ref. 103 (coded path); Col. 9, line 54-Col. 11, line 10, especially Col. 10, lines 50-52 (the representation for the selected path is considered the coded path); Fig. 16 (different paths as ordered series of locations where each number indicates the order of the location it occupies in the series)]

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Easwar with the teachings of Ratnakar and Nishikawa to obtain the invention of claim 10. The reasons for doing so at least would have been to generate a smaller compressed file size after transcoding, as Ratnakar indicates in Col. 1, line 63-Col. 2, line 18, as well as to take advantage of the characteristics of the image signals, as Nishikawa indicates in Col. 2, lines 1-10.

The combined invention does not expressly disclose the detection of inactivity of resources useful for transcoding and carrying out transcoding when inactivity is detected. However, Cloutier discloses detecting the inactivity of resources useful for an operation (e.g., decompression) and when detected, carrying out the operation [Fig. 3, ref. 75; Fig. 5, refs. 75 (detecting inactivity), 104 (resource); Fig. 9, ref. 170 (period of inactivity); Col. 18, line 24-Col. 19, line 37, especially, Col. 19, lines 23-31].

The combined invention and Cloutier are combinable because they both have aspects that are from the same field of endeavor of encoding.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combined invention with the teachings of Cloutier by detecting the inactivity of the useful resources before carrying out the desired operation to obtain the invention as specified in claim 10. The reasons at least would have been for the intended operation (e.g., transcoding) to be successfully carried out while maintaining the system integrity (since a current task, if any, being executed in the resource will be terminated prematurely and leave the system in an uncertain state if a new task commences before the current task is complete).

7. Regarding claim 15, and similarly claim 6, note that the first coding mode disclosed by Easwar is JPEG [Fig. 4B: ref. 410]

8. Regarding claim 18, and similarly claim 9, note that in Easwar the data coded according to a first format (JPEG) is a digital image [P. 7, paragraph 63, lines 11-13].

9. Regarding claims 20, 21 (digital data processing apparatuses) and claims 23, 24 (photographic apparatuses), note that per the analysis of claims 1 and 10 above, the apparatus shown in Fig. 3, ref. 310 of Easwar has been modified (by Cloutier) to

comprise a processor [Fig. 3, ref. 320] and a transcoder [Fig. 3, ref. 325] that performs the steps recited in claims 20 and 23 (see especially the analysis of claim 10). Note further that the apparatus is a photographic apparatus; it is also a digital processing apparatus since it processes digital images.

10. Regarding claim 25, and similarly claim 28 (a storage medium is an information carrier), Easwar further discloses a storage medium [Fig. 2B, ref. 282; P. 5, paragraph 53, lines 8-11] capable of storing a program for implementing the method of claim 1. [Note that Fig. 2B is part of the general digital camera (which Fig. 3, ref. 310 is an instance of; see P. 7, paragraph 63, lines 1-4) disclosed in Fig. 1, ref. 100.]

11. Regarding claim 26, Easwar further discloses a detachably mountable medium [Fig. 2B, ref. 284; P. 6, paragraph 53].

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12. Claims 3, 4, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easwar (US 2004/0008897), Ratnakar et al. (US 6,233,359), Nishikawa et al. (US 5,926,574) and Cloutier et al. (US 5,847,771) as applied to claims 1, 6, 9-10, 15, 18, 20, 21, 23-26 and 28 above and further in view of Kaneko et al. (US 6,671,454).

13. Regarding claim 12 and similarly claim 3, the combined invention discloses all limitations of its parent, claim 10.

The combined invention does not expressly disclose the following, but Kaneko does

- Means of selecting an order of transcoding of the digital data coded according to the first coding mode into the digital data coded according to the second coding mode [Fig. 17, refs. 154, 157; Col. 15, lines 20-28 & 55-61. Note that the order is based on the size]

The combined invention is combinable with Kaneko because they both have aspects that are from the same field of endeavor of encoding.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combined invention with the teaching of Kaneko as recited above to obtain the invention as specified in claim 12. The reasons at least would have been to ensure a large free space, as Kaneko indicates in column 15, lines 60-61.

14. Claim 13 (and similarly claim 4) is similarly analyzed and rejected as per claim 12 since the order disclosed by Kaneko is based on size [Col. 15, lines 60-61].

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15. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easwar (US 2004/0008897), Ratnakar et al. (US 6,233,359), Nishikawa et al. (US 5,926,574), Cloutier et al. (US 5,847,771) and Kaneko et al. (US 6,671,454) as applied to claims 3, 4, 12 and 13 above, and further in view of Ishii et al. (US 5,675,789).



16. Regarding claim 14, and similarly claim 5, the combined invention discloses all limitations of its parent, claim 12.

In addition, Ishii discloses selecting files to compress according to access frequency [Fig. 4, ref. 102; Col. 8, lines 32-42. Note that transcoding can involve decompression first (e.g., see Easwar: Fig. 4B, ref. 411)].

The combined invention is combinable with Ishii because they both have aspects that are from the same field of endeavor of encoding.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combined invention with the teaching of Ishii by selecting files according to access frequency to obtain the inventions as specified in claim 14. The reasons at least would have been to transcode the most desired (as indicated by the access frequency) file first since the communication between the requesting server and the transcoding device can and does get lost, and when that happens, the most desired file would most likely have already been transcoded and transmitted. [See the wireless communication link 300 between device 310 and server 370 of Easwar's Fig. 3].

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17. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easwar (US 2004/0008897), Ratnakar et al. (US 6,233,359), Nishikawa et al. (US 5,926,574) and Cloutier et al. (US 5,847,771) as applied to claims 1, 6, 9-10, 15, 18, 20, 21, 23-26 and 28 above, and further in view of Joshi et al. (US 6,987,890).

18. Regarding claim 16, and similarly claim 7, the combined invention discloses all limitations of its parent, claim 10.

The combined invention does not expressly disclose using the JPEG 2000 standard for the first coding mode. However, Joshi discloses the use of JPEG 2000 [Col. 1, lines 14-34].

The combined invention is combinable with Joshi because they both have aspects that are from the same field of endeavor of encoding.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combined invention with the teaching of Joshi by using the JPEG 2000 standard for the first coding mode to obtain the inventions as specified in claim 16. The reasons at least would have been because it provides a very flexible framework for organizing and ordering the compressed bit stream, as Joshi indicates in column 1, lines 34-39.

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19. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Easwar (US 2004/0008897), Ratnakar et al. (US 6,233,359), Nishikawa et al. (US 5,926,574) and Cloutier et al. (US 5,847,771) as applied to claims 1, 6, 9-10, 15, 18, 20, 21, 23-26 and 28 above, and further in view of Horie et al. (US 6,236,759).

Regarding claim 19, the combined invention discloses all limitations of its parent, claim 10.

In addition, Horie discloses an image processing apparatus (with encoding and decoding units) comprising a processor, a ROM for storing programs and a RAM with registers [Fig. 1D, ref. 1141 (ALU, a processor), 1142 (ROM) and 1140 (RAM); Col. 9, lines 17-23].

The combined invention is combinable with Horie because they both have aspects that are from the same field of endeavor of encoding.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combined invention with the teaching of Horie by using the JPEG 2000 standard for the first coding mode to obtain the inventions as specified in claim 19. The reasons at least would have been to facilitating the operation of the apparatus, as Horie indicates in Col. 9, lines 17-18.

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20. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Easwar (US 2004/0008897), Ratnakar et al. (US 6,233,359), Nishikawa et al. (US 5,926,574) and Cloutier et al. (US 5,847,771) as applied to claims 1, 6, 9-10, 15, 18, 20, 21, 23-26 and 28 above, and further in view of Holliman et al. (US 2002/0116533).

21. Regarding claim 22, the combined invention discloses all limitations of its parent, claim 20.

In addition, Holliman discloses having an apparatus with transcoding capability being part of a peer-to-peer network [Fig. 1 and P. 1, paragraph 10 (peer-to-peer); P. 3, paragraph 29 (transcoding)].

The combined invention is combinable with Holliman because they both have aspects that are from the same field of endeavor of encoding.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combined invention with the teaching of Holliman by having the apparatus as part of a peer-to-peer network to obtain the inventions as specified in claim 22. The reasons at least would have been because peer-to-peer network disclosed in Holliman

offers advantages such as improved data/resource sharing and transparency of physical location of a resource, as Holliman indicates in P. 1, paragraphs 10 and 11.

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22. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Easwar (US 2004/0008897), Ratnakar et al. (US 6,233,359), Nishikawa et al. (US 5,926,574) and Cloutier et al. (US 5,847,771) as applied to claims 1, 6, 9-10, 15, 18, 20, 21, 23-26 and 28 above, and further in view of Berstis (US 6,721,001).

23. Regarding claim 27, the combined invention discloses all limitations of its parent, claim 25.

In addition, Berstis discloses having a floppy disk as a storage medium for a digital camera [Fig. 2, ref. 214 and Col. 3, lines 3-8].

The combined invention is combinable with Berstis because they both have aspects that are from the same field of endeavor of image acquisition.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combined invention with the teaching of Berstis by having a floppy disk as storage medium to obtain the inventions as specified in claim 27. The reasons at least would have been for portability, as Berstis indicates in Col. 4, lines 58-60.

**End of Part A**

**Part B**

**24. Note: The analyses for Part B below apply to claims 2, 11 and the versions of claims 3-7 and 9 as dependent from claim 2; claims 12-16, 18 and 19 as dependent from claim 11; and claims 20-27 with respect to claims 2 or 11 as appropriate.**

25. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easwar (US 2004/0008897), Ratnakar et al. (US 6,233,359), Nishikawa et al. (US 5,926,574) Cloutier et al. (US 5,847,771) as applied to claims 1, 6, 9-10, 15, 18, 20, 21, 23-26 and 28 above, and further in view of Lai et al. (US 6,407,680).

26. Regarding claim 11, and similarly claim 2 (since the device of claim 11 performs the method of claim 2), the combined invention discloses all limitations of its parent, claim 10.

The combined invention does not expressly disclose the following

- means of detecting a request demanding digital data coded according to the first coding mode
- means of verifying that the digital data demanded are coded according to the second coding mode
- means of transcoding the digital data coded according to the second coding mode into data coded according to the first coding mode, if the response at the verification step is positive

However, Lai discloses an apparatus [Fig. 1, ref. 106 and Fig. 2; Col. 7, lines 32-53] that has a means for detecting a request for data in a first coding mode which also serves as

a means for verifying that the demanded data are coded according to a second coding mode [Fig. 2, ref. 206 (the means); Fig. 5A, ref. 504 (detecting) and Fig. 5B, ref. 520 (verifying); Col. 9, lines 53-61; Col. 14, lines 57-Col. 15, line 8; Col. 14, line 55-Col. 15, line 8; Col. 17, lines 31-42. Note that the source and the destination types are considered the second and the first modes, respectively]. The apparatus also has a means for transcoding from the source type (i.e., the second mode) into the destination type (i.e., the first mode) [Fig. 2, ref. 218 & Fig. 5B, ref. 522; Col. 17, lines 31-42].

The combined invention is combinable with Lai because they both have aspects that are from the same field of endeavor of encoding.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combined invention with the teaching of Lai by detecting the coding mode of the requested data and if it is different from the existing mode the data is coded, then performs the appropriate transcoding to obtain the invention as specified in claim 11. The reasons at least would have been to avoid unnecessary transcoding (and thereby improve efficiency) because if the requested data already exists in the desired mode (i.e., type), then it can be delivered without transcoding, as Lai indicates in Col. 17, lines 31-36.

27. Regarding claims 3-7, 9, 12-16 and 18-27, the corresponding analyses in Part A can and are applied (and are not repeated here) to modify the combined invention of



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Easwar, Ratnakar, Nishikawa, Cloutier and Lai to obtain the inventions as specified by the respective claims.

**End of Part B**

***Conclusion and Contact Information***

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Brown (US 6,687,410) – discloses using different traversal sequences [Col. 9, lines 55-58]
- Houle (US 5,710,719) – discloses traversing in a pre-determined order [Abstract]

29. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

30. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUBIN HUNG whose telephone number is (571) 272-7451. The examiner can normally be reached on 7:30 - 4:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikram Bali can be reached on (571) 272-7415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

32. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yubin Hung/  
Primary Examiner, Art Unit 2624